

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
04-10260-RCL

UNITED STATES OF AMERICA

v.

CARLOS A. HOWELL

MEMORANDUM AND ORDER OF DETENTION

September 10, 2004

DEIN, M.J.

The defendant is charged in an indictment with distribution of cocaine base in violation of 21 U.S.C. § 841(a)(1). An initial appearance was held on September 2, 2004, at which time the defendant was represented by counsel. The government moved for detention under 18 U.S.C. §§ 3142(f)(1)(C) (danger to the community), (f)(2)(A) (risk of flight) and (f)(2)(B) (obstruction of justice). A detention hearing was held on this date, at which time the defendant was represented by counsel.

At the detention hearing, and with the defendant's assent, the government presented its case by way of proffer, including DEA-6 reports and a surveillance video. After the government rested, the defendant elected not to introduce any evidence. The defendant then withdrew his objection to the government's motion for detention, without prejudice to his right to seek release at a later date.

IT IS ACCORDINGLY ORDERED that the defendant be DETAINED pending trial, and it is further Ordered --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

The defendant may seek reconsideration of this order by filing an appropriate motion proposing conditions of release.

/ s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge